UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	DOCUMENT ELECTRONICALLY FILED DOC# DATE FILED://- X-23
UNITED STATES OF AMERICA	DATE FILE D. 1 - D - D - D - D - D - D - D - D - D -
-against-	23-cv-5003 (LAK) [20-cr-0578 (LAK)]
RANDY CRAIG LEVINE,	
Defendant.	

ORDER DENYING SECTION 2255 MOTION

Defendant was convicted on March 21, 2023 on his plea of guilty of conspiracy to commit wire fraud and two counts of commodities fraud and sentenced principally to a term of imprisonment of 70 months to run consecutively to a term of imprisonment previously imposed in the Southern District of Florida in 07-cr-80128. He moves under 28 U.S.C. § 2255 for relief from this Court's judgment. Dkt. 80. I have considered his motion and his subsequent filing of a document entitled Motion to Amend Petition (Dkt. 96) which, as the text of the document states explicitly, in fact is a reply to the government's opposition to the 2255 motion rather than a motion to amend.

The motion is entirely frivolous, substantially for the reasons set forth in the government's opposition. Dkt. 95. Accordingly, the motion is denied. A certificate of appealability is denied, and the Court certifies that any appeal herefrom would not be taken in good faith within the meaning of 28 U.S.C. §1915(a)(3).

SO ORDERED.

LEWIS A. KAPLAN, District Judge.

Dated:

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November 8, 2023

Lewis A. Kaplan

United States District Judge

All "Dkt" references in this order are to docket entries in 20-cr-0578 (LAK).